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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,043	02/25/2004	Katsuhiko Ishido	CANO:123	4407
37013 7590 06/25/2008 ROSSI, KIMMS & McDOWELL LLP. P.O. BOX 826 ASHBURN, VA 20146-0826				
EXAMINER				
CHEN, HUO LONG				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/787,043

**Applicant(s)**

ISHIDO ET AL.

**Examiner**

HUO LONG CHEN

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/14/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4, 9-11 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 9-11, and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 05/14/2008 have been fully considered but they are not persuasive.

Applicant argues that in the prior art of the present application, the angle of the original presser plate at which light source is turned on and angle of the original presser plate at which the reading device reads the reflected light from the original are identical with each other. **Examiner disagrees with applicant's argument** because although the prior art of the present application did not teach that the angle of the original presser plate at which light source is turned on and angle of the original presser plate at which the reading device reads the reflected light from the original could be different, it is obvious to a person of ordinary skill in the art to know configuring the angles of the original presser plate to turn on the light source and making a reading device to read the reflected light from the original in different degrees. The reason will be explained as below: the applicant's admitted prior teaches that the light source, CCD and original size sensor are turned on when the presser plate is close less than 40 degree (Fig.7, S701 and S703) and Ishido et al. (US 20010035987) teach detecting any ambient light (Fig.14, S143), setting the effective sensing range after determining present of ambient light (Fig.14, S144) and causing a reading device to read the reflected light from an original (Fig.14, S145) in order to obtain accurate original size detection. When a user closes and holds the presser plate at the angle which is less than 40 degree and the ambient light also presents on the original platen glass, the detection of original size

would not be accurate according to the teach of Ishido et al.. It would be obvious to configure the original presser plate in the other open states with different angles after detecting the opening angle of presser plate less than 40 degree to ensure no ambient light shining on an original platen glass before enabling a sensor to read an original size in order to have the accurate detection of the original size.

Applicant argues that Ishido neither discloses nor suggests the open state-detecting device and the original size-determining device as recited in the claim at issue.

**Examiner disagrees with applicant's argument** for the same reason set forth above.

Applicant argues that the description of the prior art of the present applicant and Ishido et al. do not disclose and suggest that an angle of the original pressing member for the original pressing member to cause the reading device to read the reflected light.

**Examiner disagrees with applicant's argument** for the same reason set forth above.

#### ***Response to Amendment***

2. The amendment to the claim received on May 14 2008 has been entered.
3. The amendment of claims 2, 9 and the added new claims 18-22 are acknowledged.

#### ***Drawing Objection***

4. With respect to Fig.17A, S1704, "IS OPENING ANGLE OF PRESSER PLATE LARGER THAN 15" does not support by the specification. According to the specification, paragraph101, the judgment of the S1704 should be "IS OPENING ANGLE OF PRESSER PLATE LARGER THAN 25". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 9-11, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (hereinafter, "prior art", see Fig. 10 and paragraph [82]) in view of Ishido et al. (US 20010035987).

With respect to **claim 2**, the applicant's admitted prior art teaches that an original size detecting apparatus (Fig. 10) comprises:

an original platen (Fig. 10, element 102);

an original presser plate that presses an original placed on said original platen (Fig. 10, element 112);

a light source that irradiates light onto the original [In this case, when information of the original surface in the main-scanning direction is read by the CCD 110 after the light source 103 is lighted (paragraph 82)];

a reflected light-reading device that reads reflected light of the light irradiated from said light source onto the original [In this case, when information of the original surface in the main-scanning direction is read by the CCD 110 after the light source 103 is lighted (paragraph 82)];

an open state-detecting device that detects at least two open states of said original presser plate [the optical sensors (Fig 10, elements 113 & 114) detecting the opening angle of the original presser plate [Fig. 10, element 112]];

and an original size-determining device that turns on said light source and said reflected light-reading device when it is detected by said open state-detecting device that said original presser plate is in an open state which is the opening angle of presser plate larger than 40 degree, and determines a size of the original based on an output from said reflected light-reading.

However, the applicant's admitted prior art fails to disclose one more step to detect if the second opening angel of the presser plate is less than the first opening angel of the presser plate before determining a size of the original being based on an output from said reflected light-reading.

Ishido et al. (US 20010035987) teach detecting any ambient light (Fig.14, S143), setting the effective sensing range after determining present of ambient light (Fig.14, S144) and causing a reading device to read the reflected light from an original (Fig.14, S145) in order to obtain accurate original size detection.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to combine the inventions of Ishido et al. and applicant's admitted prior art because when a user closes and holds the presser plate at the angle which is less than 40 degree and the ambient light also presents on the original platen glass, the detection of original size would not be accurate according to the teach of Ishido et al.. It would be obvious to configure the original presser plate in the other open states with

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different angles after detecting the opening angle of presser plate less than 40 degree to ensure no ambient light shining on an original platen glass before enabling a sensor to read an original size in order to have the accurate detection of the original size.

With respect to claim 3, which further limits claim 2, applicant's admitted prior art teaches that an original size-determining device is operable when said original presser plate is in an open state where the opening angle thereof is larger than when said original presser plate is in the first open state, to turn off said light source and said reflected light-reading device (Fig. 10).

With respect to claim 4, which further limits claim 2, applicant's admitted prior disclose that an original size-determining device (Fig. 10, element 111) determines the size of the original based on an output from said sub-scanning direction dimension-detecting device and an output from said reflected light-reading device (Fig. 7).

However, applicant's admitted prior art fails to disclose that a sub-scanning direction dimension-detecting device that detects a dimension of the original in a sub-scanning direction.

Ishido et al. teaches detecting a dimension of the original in a sub-scanning direction and the main scan direction is perpendicular to the sub-scan direction (Fig.3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to combine the inventions of Ishido et al. and applicant's admitted prior art because detecting a dimension of the original size by sub-scanning is well known.

With respect to claim 9, it is analyzed and rejected for the same reason set forth in the rejection of claim 2.

With respect to **claim 10**, which further limits claim 9, it is analyzed and rejected for the same reason set forth in the rejection of claim 3.

With respect to **claim 11**, which further limits claim 9, it is analyzed and rejected for the same reason set forth in the rejection of claim 4.

With respect to **claim 18**, it is analyzed and rejected for the same reason set forth in the rejection of claim 2. Although the claim 2 only teaches two different open states of an original presser plate to detect an original size, it would be obvious to configure the multiple open states with different angles to ensure no ambient light shining on an original platen glass before enabling a sensor to read an original size in order to have the accurate detection of the original size.

With respect to **claim 19**, which further limits claim 18, it is analyzed and rejected for the same reason set forth in the rejection of claim 3

With respect to **claim 20**, which further limits claim 18, it is analyzed and rejected for the same reason set forth in the rejection of claim 4.

With respect to **claim 21**, which is a method claim, it is analyzed and rejected for the same reason set forth in the rejection of claim 18.

With respect to **claim 22**, which is a program claim, it is analyzed and rejected for the same reason set forth in the rejection of claim 18.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, and then the shortened statutory period will be expired on the date when the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUO LONG CHEN whose telephone number is (571)270-3759. The examiner can normally be reached on 8:00am to 5:00pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571)272-74653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huo Long Chen/  
Patent Examiner

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